

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JOSIAH TUTTLE,

No. 2:22-cv-01026-HL

Plaintiff,

ORDER

v.

VALKYRIE HOUSE, Adult Foster Care – State  
Funded; PATTY THOMAS, Owner Operator;  
ANDREW THOMAS, Owner Operator,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Hallman issued a Findings and Recommendation on November 8, 2022, in which he recommends that the Court dismiss Plaintiff's complaint under 28 U.S.C. § 1915(e)(2). F&R, ECF 10. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de novo*. *United States v.*

*Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error. Accordingly, Plaintiff's complaint is dismissed.


The Court concludes that Plaintiff should be granted leave to amend his complaint. *See Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995) (holding that dismissal of a pro se complaint without leave to amend is proper only if it is clear that the deficiencies of the complaint could not be cured by amendment).

### CONCLUSION

The Court ADOPTS Magistrate Judge Hallman's Findings and Recommendation [10]. Accordingly, Plaintiff's Complaint [2] is DISMISSED without prejudice. Plaintiff may file an amended complaint within 30 days of the date of entry of this Order.

IT IS SO ORDERED.

DATED: January 1, 2023.

  
\_\_\_\_\_  
MARCO A. HERNÁNDEZ  
United States District Judge